

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MUBAREZ AHMED, individually,

Plaintiff,

vs.

Case No. 18-cv-13849

ERNEST WILSON, in his individual
Capacity,

Hon. George Caram Steeh
Mag. Judge Elizabeth A. Stafford

Defendant.

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**JOINT MOTION TO SHOW CAUSE BOBBIE RUFF FOR FAILURE TO
ACCEPT SERVICE AND COMPLY WITH A SUBPOENA**

NOW COMES Plaintiff, MUBAREZ AHMED, by and through his attorney, and Defendant, ERNEST WILSON, by and through his attorney, and in support of their Joint Motion to Show Cause Bobbie Ruff for Failure to Accept Service and Comply with a Subpoena state as follows:

1. Mubarez Ahmed (“Mr. Ahmed”) filed this action for damages pursuant to 42 U.S.C. § 1983, § 1988 as well as pursuant to the Fourth, Fifth and Sixth Amendments against Ernest Wilson and the City of Detroit (collectively “Defendants”).

2. On May 11, 2021, Defendants, through a private investigator, attempted to serve Bobbie Ruff with a subpoena to “testify at a deposition to be taken in this civil action,” but were unsuccessful. *See Exhibit 1 – Subpoena and Exhibit 2 – May 11, 2021 Report from Jane Doe Investigations, Inc.*

3. Likewise, on May 13, 2021, Defendants, through a private investigator, attempted to serve Bobbie Ruff with the same subpoena, but were unsuccessful. *See Exhibit 3 – May 13, 2021 Report from Jane Doe Investigations, Inc.*

4. Plaintiff and Defendants have reason to believe that Bobbie Ruff is intentionally evading service of the subpoena.

5. Because Bobbie Ruff is dodging service, Defendants have been unable to personally serve Bobbie Ruff with a subpoena as required by Federal Rule of Civil Procedure 45.

6. What is more is that Bobbie Ruff is presumably aware of this subpoena because of her past involvement with Mr. Ahmed.

7. The fact that Bobbie Ruff is evading service of this subpoena evidences that Bobbie Ruff has no intention on complying with the substance of the subpoena.

8. As a result, it would be inequitable to allow Bobbie Ruff to escape the teeth of Federal Rule 45(g) by purposefully avoiding service of the subpoena.

9. Bobbie Ruff should be compelled by this Honorable Court to show cause as to why she should not be held in contempt of this Honorable Court.

10. I, Michael D. Weaver, certify that this document complies with Local Rule 5.1(a). I also certify that it is the appropriate length. *See* Local Rule 7.1(d)(3).

WHEREFORE, Plaintiff, MUBAREZ AHMED, and Defendant, ERNEST WILSON, respectfully requests that this Honorable Court GRANT their Joint Motion to Show Cause and enter an ORDER requiring Bobbie Ruff to appear before this Court and show cause as to why she should not be held in contempt of court for failing to accept service and comply with a subpoena of this Court.

PLUNKETT COONEY

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Dated: May 24, 2021

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EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MUBAREZ AHMED, individually,

Plaintiff,

vs.

Case No. 18-cv-13849

ERNEST WILSON, in his individual
Capacity,

Hon. George Caram Steeh
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Defendant.

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**BRIEF IN SUPPORT OF JOINT MOTION TO SHOW CAUSE BOBBIE
RUFF FOR FAILURE TO ACCEPT SERVICE AND COMPLY WITH A
SUBPOENA**

****ORAL ARGUMENT REQUESTED****

TABLE OF CONTENTS

	<u>Page</u>
STATEMENT OF PRINCIPAL AUTHORITY.....	iii
STATEMENT OF THE ISSUE PRESENTED.....	1
I. Factual Background.....	2
II. Argument.....	3
A. This Court Should Order Bobbie Ruff to Appear and Show Cause....	3
III. Conclusion.....	4

INDEX OF AUTHORITIES

Rules

Fed. R. Civ. P. 45..... 3

STATEMENT OF PRINCIPAL AUTHORITY

In support of this Motion, Plaintiff, MUBAREZ AHMED, and Defendant, ERNEST WILSON, relies on Fed. R. Civ. P. 45(g).

STATEMENT OF THE ISSUE PRESENTED

1. Should this Court hold Bobbie Ruff in contempt of court?

Plaintiff States: YES

Defendants State: YES.

This Court Should State: YES.

I. FACTUAL BACKGROUND:

On May 11 and 13, 2021, Defendants attempted to serve Bobbie Ruff, a former girlfriend of Mr. Ahmed, with a subpoena requesting Bobbie Ruff to “testify at a deposition to be taken in this civil action.” **See Exhibit 1 – Subpoena.** On May 11, 2021, Defendants’ private investigator, Jane Doe Investigations, Inc., attempted to serve Bobbie Ruff at her residence, leaving a business card at the door after repeatedly knocking for 35 minutes to no avail. **See Exhibit 2 – May 11, 2021 Report from Jane Doe Investigations, Inc.** The private investigator’s report notes that a black Ford pickup truck was in the driveway. On May 13, 2021, Jane Doe Investigations, Inc. attempted to serve Bobbie Ruff at her residence again, but no one answered after repeated knocks. **See Exhibit 3 – May 13, 2021 Report from Jane Doe Investigations, Inc.** The private investigator noted that the business card that was left on May 11 was no longer there. The investigator observed the same black pickup truck in the driveway.

To date, Defendants have been unable to personally serve Bobbie Ruff with the subpoena despite diligent efforts. Bobbie Ruff is presumably aware of the subpoena given her past involvement with Mr. Ahmed. Additionally, both Plaintiff and Defendants have included Bobbie Ruff on their Initial Disclosures to this Honorable Court as an individual likely to have discoverable information. **See Exhibit 4 – Plaintiff’s Initial Disclosures and Exhibit 5 – Defendants’ Initial Disclosures.** Moreover, Defendants have reason to believe that Bobbie Ruff is purposefully dodging

service of the subpoena. Bobbie Ruff should not be allowed to escape the contempt powers of this Court in the same manner that she is evading this subpoena. Therefore, this Court should order Bobbie Ruff to show cause as to her failure to accept service and comply with the above-mentioned subpoena and hold her in court. Fed. R. Civ. P 45(e) and (g).

II. ARGUMENT:

A. This Court Should Order Bobbie Ruff to Appear and Show Cause.

This Court has the authority to hold Bobbie Ruff in contempt of court for failing to accept service and comply with the subpoena. Although it is true that Bobbie Ruff has not been personally served with the subpoena, it would be inequitable to allow Bobbie Ruff to avoid the teeth of Federal Rule 45(g), which provides that “the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.” Fed. R. Civ. P. 45(g).

Here, Defendants have reason to believe that Bobbie Ruff is intentionally avoiding service of the subpoena to testify in this matter. Bobbie Ruff has reason to know that a subpoena for her deposition is more than likely headed her way due to her past involvement with Mr. Ahmed and his 2001 criminal case. Bobbie Ruff is an important witness in this case, appearing on both the Plaintiff and Defendants’ Rule 26(a) Initial Disclosures. It is also evident that Bobbie Ruff has no intention on

complying with the subpoena to testify given how elusive she has been in trying to serve said subpoena. Accordingly, Bobbie Ruff should be required to appear and show cause why this Court should not hold her in contempt for her failure to accept service and constructively comply with the subpoena.

III. CONCLUSION

For the reasons stated above, this Court should require Bobbie Ruff to show cause why he should not be held in contempt of court and this Court should also require Bobbie Ruff to produce responsive documents.

WHEREFORE, Plaintiff, MUBAREZ AHMED, and Defendant, ERNEST WILSON, respectfully requests that this Honorable Court GRANT this Joint Motion to Show Cause and enter an ORDER requiring Bobbie Ruff to appear before this Court and show cause as to why she should not be held in contempt of court for failing to accept and comply with a subpoena of this Court.

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Dated: May 24, 2021

CERTIFICATE OF SERVICE

The undersigned certifies that on the 24th day of May 2021, a copy of the foregoing document was served upon the attorney(s) of record in this matter at their stated business address as disclosed by the records herein via:

☐ Hand delivery
☐ U.S. Mail
☐ Email

☐ Overnight mail
☐ Facsimile
☒ Electronic e-file

I declare under the penalty of perjury that the foregoing statement is true to the best of my information, knowledge, and belief.

/s/ Michael D. Weaver
Michael D. Weaver

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